



OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

• Department of Personnel and Administrative Reforms

Notification

1/21(1)/76-PER

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs' Notification No. F.7(11)/62-Goa dated 25th July, 1963, the Lt. Governor of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to Group 'C' Non-ministerial, Non-gazetted post of Meter Mechanic in the Office of the Chief Electrical Engineer under the Government of Goa, Daman and Diu.

1. **Short title.**— These rules may be called Government of Goa, Daman and Diu, Office of the Chief Electrical Engineer, Group 'C', Non-ministerial, Non-gazetted post of Meter Mechanic Recruitment Rules, 1982.

2. **Application.**— These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scales of pay.**— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time;
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule;
- (c) **Saving:** Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

6. These rules are issued in supersession of the recruitment rules existing for the post.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 5th January, 1982.

SCHEDULE

Name of the post	No. of posts	Classification	Scale or pay	Whether selection post or non-selection post	Age limit for direct recruitment required for direct recruits	Whether age & Educational Qualifications prescribed for the direct recruit will apply in the case of promotions	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, grades from which promotion/deputation/transfere is to be made	Period of probation, transfer and if any percentage of the vacancies to be filled by various methods	If a D.P.C. exists what is its composition to be considered in making recruitment	Promotion:	Group 'C' N.A.
Meter Mechanic	10	Group 'C' Non-Ministerial, Non-Gazetted.	Rs. 380-12- -500-EB- -15-580.	Selection Not exceeding 30 years i) S. S. C. or equivalent. (Relaxable upto 6 years for Government servants).	ii) I.T.I. Certificate in the relevant trade from a recognised Institute.	Not exceeding 30 years i) S. S. C. or equivalent. (Relaxable upto 6 years for Government servants).	2 years	50% by promotion falling which by direct recruitment and 50% by direct recruitment.	Meter Tester with 8 years regular service in the Grade.	D.P.C.	

Notification

1/6/79-PER

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs's Notification No. F.7(11)/62-Goa dated 25-7-1963, the Lt. Governor of Goa, Daman and Diu is pleased to make the following rules relating to recruitment to Group 'C' Non-Ministerial, Non-Gazetted posts of Assistant Planning Officer/Assistant Tourist Officer/Comptroller in the Directorate of Tourism under the Government of Goa, Daman and Diu.

1. Short title.— These rules may be called Government of Goa, Daman and Diu, Directorate of Tourism, Group 'C' Non-ministerial, Non-gazetted posts of Assistant Planning Officer/Assistant Tourist Officer/Comptroller Recruitment Rules, 1982.

2. Application.— These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. Number, classification and scales of pay.— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit and other qualifications.— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

(a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time;

(b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule;

(c) **Saving:** Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date.

6. These rules are issued in supersession of the recruitment rules existing for the posts.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

G. H. Mascarenhas, Under Secretary (Personnel)

Panaji, 12th January, 1982.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, grades from which promotion/deputation/transfer is to be made	Period of probation if any	Circumstances in which Union Public Service Commission is to be consulted in making recruitment	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made			
										1	2	3	4
Assistant Planning Officer/ Assistant Tourist Officer/ Comptroler.	4	Group 'C' Rs. 650-20- Selection 650-25-750. non-ministerial, non-Gazetted.											

Revenue Department

Notification

13/29/81-RD

In exercise of the powers conferred by sub-section (3) of Section 1 of the Goa, Daman and Diu Comunidade Employees (Conditions of Service) Act, 1981 (15 of 1981), the Administrator of Goa, Daman and Diu hereby appoints the eleventh day of January, 1982 as the date on which the said Act shall come into force.

By order and in the name of the Administrator of Goa, Daman and Diu.

L. J. Menezes Pais, Under Secretary (Revenue I).
Panaji, 11th January, 1982.

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Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/90/82

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 11th January, 1982 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Agricultural Tenancy (Amendment) Bill, 1982

(Bill No. 1 of 1982)

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BILL

further to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-second Year of the Republic of India as follows:

1. Short title and commencement.—(1) This Act may be called the Goa, Daman and Diu Agricultural Tenancy (Amendment) Act, 1982.

(2) It shall come into force at once.

2. Amendment of Section 15.—In sub-section (3) of section 15 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act 7 of 1964) (hereinafter called "the principal Act"), after the words "Co-operative Society", wherever they occur, the words "or corresponding new bank" shall be inserted.

3. Amendment of Section 15 A.—In section 15 A of the principal Act,—

(i) after the words "co-operative society", wherever they occur, the words "or corresponding new bank" shall be inserted;

(ii) after the proviso, the following Explanation shall be inserted, namely:

"Explanation.—For the purposes of section 15 and 15 A, the expression "corresponding new

"bank" means a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of undertakings) Act, 1970 (Central Act 5 of 1970).".

Statement of Objects and Reasons

Hitherto the tenants could mortgage or create charge on his interest in the land in favour of the Government or of a Co-operative Society in consideration of the loan advanced to them by the Government or the Co-operative Society as the case may be. Many nationalised banks finance advances to the tenants for the development of loans etc. However, the tenants cannot mortgage or create charge on his interest in favour of these nationalised banks in view of sections 15 and 15A of the Act.

The present Bill seeks to extend the facility to all nationalised banks.

Memorandum on Delegated Legislation

No delegated legislation is contemplated in the present Bill.

Financial Memorandum

No financial implications are involved in the present Bill.

Panaji, SHAIKH HASSAN HAROON
2nd January, 1982. Minister for Revenue

Assembly Hall, M. M. NAIK

Panaji, Secretary to the Legislative Assembly
6th January, 1982. of Goa, Daman and Diu

(Annexure to Bill No. 1 of 1982)

The Goa, Daman and Diu Agricultural Tenancy (Amendment) Bill, 1982

The Goa, Daman and Diu Agricultural Tenancy Act, 1964 (Act No. 7 of 1964)

15. Sub-division, sub-letting and assignment prohibited.—(1) Save as otherwise provided in this Act, no sub-division or sub-letting of the land held by a tenant or assignment of any interest therein shall be valid.

(2) Notwithstanding anything in sub-section (1), it shall be lawful for a tenant:—

(a) who is a widow, minor or a person subject to any physical or mental disability, or a serving member of the Defence Forces to sub-let such land held by her or him as a tenant, or

(b) who is a member of a Co-operative Society and as such member to sub-let, assign, mortgage or to create a charge on his interest in the land in favour of such Society.

(3) Notwithstanding anything contained in sub-section (1), it shall also be lawful for a tenant to mortgage or create a charge on his interest in the land in favour of the Government or of a Co-operative Society, in consideration of a loan advanced to him by the Government or the Co-operative Society, as the case may be and without prejudice to any other remedy open to the Government or the Co-operative Society, as the case may be, in the event of his making default in payment of such loan in accordance with the terms on which such loan was granted it shall be lawful for the Government or the Co-operative Society, as the case may

be, to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.

15-A. Lands mortgaged to Government and Co-operative Societies.—When a tenant has mortgaged his interest in the land in favour of Government or a Co-operative Society with the permission of Government, in consideration of a loan advanced to him, then, notwithstanding anything contained in any other provision of this Act, the landlord shall not, while the mortgage subsists, without the prior permission of Government, be entitled to resume the land for personal cultivation, or to terminate the tenancy on any of the grounds mentioned in section 11 or otherwise, nor shall the tenant be entitled without such permission to surrender his interest to the landlord and any such surrender shall be void:

Provided, however, that for the period during which such permission has been sought but has not been granted, the obligations of the tenant under this Act to the landlord shall devolve upon Government or the Co-operative Society as the case may be.

Assembly Hall,

M. M. NAIK

Panaji,

Secretary to the Legislative Assembly
of Goa, Daman and Diu

6th January, 1982.

LA/B/7/91/82

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 11th January, 1982 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Entertainment Tax (Amendment) Bill, 1982

(Bill No. 3 of 1982)

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BILL

further to amend the Goa, Daman and Diu Entertainment Tax Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-second year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Goa, Daman and Diu Entertainment Tax (Amendment) Act, 1982.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2.—In section 2 of the Goa, Daman and Diu Entertainment Tax Act, 1964 (2 of 1964) (hereinafter referred to as the principal Act),—

(i) for clause (b) the following shall be substituted, namely:—

"(b) "Commissioner" means the Commissioner of Entertainment tax appointed under sub-section (1) of section 2A;"

(ii) in clause (f),—

(a) after the words "payment for admission" and before the word "includes", the words

"means the amount paid for admission and" shall be inserted;

(b) in sub-clause (iv) the following note shall be inserted at the end, namely:—

"Note.—"payment for admission" does not include any amount collected by way of tax or surcharge under this Act provided such amount is separately shown on the ticket issued for admission;".

3. *Insertion of new section 2A.*—After section 2 of the principal Act, the following section shall be inserted, namely:—

"2A. Taxing Authorities.—(1) The Government shall appoint an officer to be called the Commissioner of Entertainment Tax for carrying out the purposes of this Act.

(2) The Government shall appoint an Assistant Commissioner of Entertainment Tax and such number of Entertainment Tax Officers as it deems necessary to assist the Commissioner in the execution of his functions under this Act.

(3) The Commissioner may appoint such number of,—

(a) Assistant Entertainment Tax Officers;

(b) Entertainment Tax Inspectors; and

(c) Other officers and such ministerial staff as he thinks necessary to assist him in the execution of his functions under this Act.

(4) The Commissioner and all other officers and persons appointed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860".

4. *Insertion of new section 3B.*—After section 3A of the principal Act the following section shall be inserted, namely:—

"3B. Levy of surcharge.—(1) There shall be levied and paid to the Government, a surcharge calculated at the rate of ten per cent of the tax.

(2) In respect of every complementary ticket issued by the proprietor, in addition to the tax leviable under sub-section (4) of section 3, there shall be levied and paid to the Government a surcharge calculated at the rate of ten percent of the tax leviable in respect of the class of seat or accommodation which the holder of such ticket is entitled to occupy or use.

(3) In computing the surcharge under this section the amount of surcharge shall be rounded off to the nearest multiple of five paise and for this purpose, where such amount consists of an amount less than five paise, then, if such amount is two paise or more, it shall be increased to five paise and if such amount is less than two paise it shall be ignored.

(4) The amount of surcharge leviable under this section shall be levied and paid in the same manner as the tax is levied and paid under the provisions of this Act, and the provisions of this Act and rules made thereunder as far as

may be applicable in this behalf shall apply accordingly."

5. *Amendment of section 7.*—For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. Recoveries.—Any amount of tax, surcharge, penalty or interest which remain unpaid after the date specified in the respective order and any other sum due under this Act shall be recoverable as an arrear of land revenue under the law for the time being in force."

6. *Amendment of section 8.*—For sub-section (2) of section 8 of the principal Act, the following sub-section shall be substituted, namely:—

"(2) Subject to the provisions contained in sub-section (1) of section 12, whoever contravenes any of the provisions of this Act, shall, on conviction before a Magistrate, be punishable with simple imprisonment which may extend to six months or with fine or with both, and when the offence is a continuing one, with a daily fine not exceeding fifty rupees during the period of the continuance of the offence."

7. *Amendment of section 9.*—In section 9 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

"(a) Where the offence consists of the failure to pay or the evasion of, any tax, surcharge or any other sum payable under this Act, in addition to the amount so payable, a sum of money not exceeding the amount equal to the amount so payable; and".

8. *Amendment of section 10.*—For sub-section (2) of section 10 of the principal Act, the following sub-section shall be substituted, namely:—

"(2) The Commissioner may, by order in writing and subject to such restrictions and conditions as may be specified therein delegate any of his powers under this Act to any officer subordinate to him".

9. *Insertion of new section 12A.*—After section 12 of the principal Act, the following section shall be inserted, namely:—

"12A. Limitation for taking cognizance of offences.—Notwithstanding anything to the contrary in any other law relating to the period of limitation for the cognizance of offences, the court shall take cognizance of any offence under this Act, or under the Rules made thereunder within a period of one year from the date of commitment of such offence."

Statement of Objects and Reasons

The experience gained in the implementation of the Goa, Daman and Diu Entertainment Tax Act, 1964 has shown that the existing provisions are not sufficient to meet adequately the present requirements. The bill seeks to make good the deficiencies noted and to rearrange some of the provisions in a more ordered manner so as to bring the said Act on line with similar taxation enactments, keeping this in view the amendments are proposed.

The salient features are:

i) clause (f) of section 2 of the Goa, Daman and Diu Entertainment Tax Act, 1964 defines "payment for admission". The scope of the definition is so wide that it includes any payment for any purpose whatsoever connected with an entertainment in as much as it also includes the tax paid by way of stamps affixed to the tickets since the same is levied at the time of admission. Rule 9 of the Goa, Daman and Diu Entertainment Tax Rules 1965 lays down that the price of admission and the tax leviable thereon are to be shown separately in each ticket issued for admission to entertainment. With a view to remove this ambiguity and to bring in harmony, the provision of the Act and the Rules, the present amendment is proposed;

ii) Clause 3 seeks to insert a new section 2A for regulating the appointments of various authorities under the Act;

iii) Clause 4 seeks to insert a new section 3B enabling the additional levy of tax by way of surcharge with a view to augment the financial resources;

iv) Clause 5 seeks to clarify the provisions for recoveries under section 7.

v) Clause 6 seeks to substitute and rewrite the existing section 8(2);

vi) Clause 7 seeks to modify provisions of section 9;

vii) Clause 8 seeks to modify existing section 10 which will enable the Commissioner to delegate any of his powers under the Act except those under sub-section (2) of section 12.

viii) Clause 9 seeks to insert a new section 12A. Necessity for this has arisen since there is no provision in the Act regarding limitation for taking cognizance of offences.

Financial Memorandum

In view of levy of surcharge the additional revenue is estimated at Rs. 5,00,000/- which is expected to be realised as a result of these measures. As a result of proposed amendment no additional financial liability is involved at present.

Panaji, PRATAPSINGH RAOJI RANE
6th January, 1982 Chief Minister

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative
7th January, 1982 Assembly of Goa, Daman and Diu

Administrator's recommendation under section 23 of the Goa, Daman and Diu Union Territories Act, 1963.

In exercise of the powers conferred upon him by sub-section (1) of section 23 of the Government of Union Territories Act, 1963, the Administrator of Goa, Daman and Diu has recommended to the Legislative Assembly of Goa, Daman and Diu the introduction and consideration of the Goa, Daman and Diu Entertainment Tax (Amendment) Bill, 1982.

(Annexure to Bill No. 3 of 1982)

The Goa, Daman and Diu Entertainment Tax (Amendment) Bill, 1982

The Goa, Daman and Diu Entertainment Tax Act, 1964 (Act No. 2 of 1964)

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context—

(b) "Commissioner" means a person appointed by Government as Commissioner for the purposes of this Act;

(f) "payment for admission" includes—

(i) any payment for seats or other accommodation in a place of entertainment.

(ii) any payment made for the loan or use of any instrument or contrivance which enables a person to get a normal or better view or hearing of the entertainment which, without the aid of such instrument or contrivance such person would not get; and

(iii) any payment for any purpose whatsoever connected with an entertainment or for a programme of synopsis thereof of which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment, if any, for admission to the entertainment.

(iv) any payment made a person who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof for admission to which a payment involving tax or more tax is required;

7. *Recoveries.*—(1) Any sum due on account of entertainment tax shall be recoverable as an arrear of land revenue under the law for the time being in force.

8. *Penalty.*—(1) If any person is admitted to any place of entertainment and the provisions of section 4 are not complied with, the proprietor of the entertainment to which such person is admitted shall, on conviction before a Magistrate, be liable, in respect of each offence, to a fine which may extend to rupees five hundred and shall also be liable to pay any tax which should have been paid.

(2) Any person who contravenes any of the provisions of this Act for which no other punishment has been provided for in this Act, shall, on conviction before a Magistrate, be liable to a fine which may extend to five hundred rupees.

9. *Compounding of offences.*—The Commissioner or any other officer duly authorised by him in this behalf may recover from any person who has committed or is reasonably suspected of having committed an offence against this Act or the rules made thereunder, by way of composition of such offence—

(a) where the offence consists of the failure to pay, or the evasion of, any tax payable under this Act, in addition to the tax so payable, a sum of money not exceeding two hundred rupees or double the amount of the tax payable, whichever is greater; and

(b) in other cases, a sum of money not exceeding two hundred rupees.

10. *Delegation of powers.*—(1) The Government may, by notification in the Official Gazette, delegate to the Commissioner or to any other officer all or any of its powers under this Act.

(2) The Commissioner may, with the approval of the Government, delegate to any officer subordinate to him, any of his powers under this Act other than powers delegated to him by the Government.

Assembly Hall,

M. M. NAIK

Panaji,

Secretary to the Legislative

7th January, 1982.

Assembly of Goa, Daman and Diu.

LA/B/7/92/82

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 11th January, 1982 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Members of Legislative Assembly (Removal of Disqualification) Bill, 1982

(Bill No. 4 of 1982)

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BILL

to provide for the removal of certain disqualifications for being chosen as, and for being, a member of the Legislative Assembly of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-Second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu Members of Legislative Assembly (Removal of Disqualification) Act, 1982.

(2) It shall come into force at once.

2. *Removal of Certain Disqualifications.*—A person shall not be disqualified for being chosen as, or for being, a member of the Legislative Assembly of Goa, Daman and Diu merely by reason of the fact that he holds any of the offices specified in the Schedule appended to this Act.

SCHEDULE

1. The office of the Chairman, Economic Development Corporation, Goa, Daman and Diu;
2. The office of the Chairman, the Kadamba Transport Corporation;
3. The office of the Chairman, Goa, Daman and Diu Housing Board;
4. The office of the Chairman or any member of any Committee or body appointed by the Government of Goa, Daman and Diu:

Provided that the Chairman or any member of such Committee or body does not receive any remuneration other than compensatory allowance.

Explanation.—For the purpose of this entry, "compensatory allowance" shall mean the travelling allowance, the daily allowance or such other allowance which is paid to the holder of the office for the purpose of meeting the personal expenditure in attending the meeting of the committee or body or in performing any other function as the holder of the said office.

Statement of Objects and Reasons

Under Clause (a) of Sub-Section (i) of Section 14 of the Government of Union Territories Act, 1963 a person is disqualified for being chosen as, and for being, a member of the Legislative Assembly of this Union territory if he holds any office of profit under the Government of India or the Government of any State or the Government of any Union territory, other than an office declared by law made by the Parliament or by the Legislative Assembly of the Union territory not to disqualify its holder.

2. No legislation has so far been enacted either by the Parliament or by our legislative Assembly declaring any office, as an office not to disqualify its holder for being chosen as, and for being, a member of the Legislative Assembly of this territory.

3. With the expansion of Governmental activities and the association of the elected representatives thereto to the various Corporations, both statutory and non-statutory, Committees, Boards, etc. constituted by the Government a need is felt to enact a legislation so as to declare offices in such Corporations and Boards etc. as not to disqualify its holder from being chosen as, and for being, a member of the Legislative Assembly of this Union territory.

4. The Bill seeks to achieve this purpose.

Financial Memorandum

No financial implications are involved in this Bill.

Panaji
8-1-1982

SHAIKH HASSAN HAROON
Minister for Legislative Affairs

Assembly Hall
Panaji
8-1-1982

M. M. NAIK
Secretary to the Legislative
Assembly